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REMARKS

Reconsideration and allowance of the application are respectfully requested in light of the above amendments and the following remarks.

Claims 2, 8, and 14 have been amended. Support for these amendments is provided at least in the original claims and the specification on page 8, line 26, through page 9, line 6. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection.

Claims 2-15 were rejected, under 35 USC §103(a), as being unpatentable over Staggs (US 6,711,479) in view of Fagan et al. (US 2004/0119638). To the extent the rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse based on the following points.

Fagan '638 was antedated as a prior art reference against the present application when Applicants perfected their claim to their foreign priority date on November 9, 2006. The Final Rejection fails to identify any support in Fagan's provisional application for the features in Fagan's disqualified non-provisional that are cited in support of the rejections. The Applicants clearly established that Fagan's non-provisional application was disqualified in their Amendment dated November 9, 2006, and their Submission accompanying the Request for Continued

Examination, dated December 18, 2006. Thus, the Final Rejection both fails to state a *prima facie* basis for rejecting the claims and is non-responsive to Applicants' previous remarks distinguishing the claims from the applied references. As a result, the Office has not shifted to the Applicants the burden of persuasion for showing the patentability of the claims and has not met the burden of persuasion shifted to it by the Applicants' Amendment and Submission. Therefore, withdrawal of the rejections and allowance of claims 2-15 is warranted.

To promote a better understanding of the differences between the claimed invention and the applied references, the Applicants provide the following remarks.

As defined in Applicants' specification, a precision approach implemented by an aircraft is one that relies on information provided by a ground station and a non precision approach is one that does not rely on information provided by the ground station (see specification page 1, lines 9-16 and 23-26). Fagan's provisional application (US 60/413,845) does not disclose a piloting system that implements approach mode functionality without relying on information provided by a ground station. Thus, Fagan '845 cannot disclose a piloting system that implements both precision and non precision approach mode functionality. Accordingly, Fagan '845's teachings do not

suggest modifying Stagg's system so as to integrate both precision and non precision approach mode functionality in a single receiver, as recited in claim 14.

The Final Rejection proposes that Fagan '638 teaches a receiver having an assisted approach mode function that is integrated into a receiver (see Final Rejection page 3, lines 6-8). And the Office Action dated August 9, 2006, proposes that there are many multi-mode receivers on the market that have both a non precision approach capability, using GPS data, and a precision approach capability (see Office Action, Response to Arguments section).

Although Fagan's MMR receiver may implement a precision approach (ILS, VOR, DME) and a particular approach using GPS and LAAS signals that is not a precision approach, neither of these two types of approaches is a "non precision approach" as defined in Applicants' specification. A non precision approach according to the claimed invention does not use information provided by a ground station. See, for instance, page 6, lines 5-22 of the specification:

- the virtual approach axis is determined on board (page 7, lines 22 to 25), on the basis of information contained in an on board data base;

- the position indication is received from on board sources (for instance a GPS receiver);
- the deviations are calculated by the on board assisted approach mode function; and
- the aircraft is piloted to cancel these deviations with the aid of an on board user device.

Fagan '845 does not teach such an autonomous non precision approach. In fact, Fagan '845 discloses that a ground station emits an LAAS signal that comprises corrections and data describing the final approach path (see Fagan '845, the page after Figure 1-13). Thus, this approach path is not contained on board and is not known without information from the ground. Claim 14 now recites an on board data base that contains information for forming a virtual approach path.

An aircraft with the Applicants' claimed system has an advantage in that it can land: (1) at an airport with ground station aid, according to a precision mode and (2) at an airport without ground station aid, according to the non precision mode. An aircraft with Fagan '845's system can land only at an airport with ground station aid.

Consequently, Fagan '845 does not teach a non precision approach and the Final Rejection acknowledges that Staggs also lacks a teaching of this subject matter (see Final Rejection page

3, lines 2-4). Thus, Fagan '845 cannot suggest integrating a non precision approach function into an MMR receiver, as proposed in the Final Rejection (see page 3, lines 10-14).

In accordance with the above discussion, the Applicants respectfully submit that Staggs and Fagan '845, considered individually or in combination, do not render obvious the subject matter now defined by claim 14. Therefore, allowance of claim 14 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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